IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 260 OF 2004

IN

SUMM.SUIT NO.5 OF 2002

Mohanlal Ghanshyam Kukreja .. Plaintiff

versus

Mr.Natverlal Sanghavi & ors .. Defendants

...

Mr.Prakash Gangwani i/b A.V. Jain for Plaintiff.

Mr. C.S.Balsara i.b Dhruv & Co for Defendants.

CORAM : D.G. KARNIK, J

DATED : 21st March 2005.

P.C:-

1. Heard learned counsel for the parties. After having heard learned counsel for the parties, I am of the view that the defences raised by the defendants are not sham and illusory but they give rise to triable issues. The plaintiff is suing the defendants on the basis of a cheque allegedly issued for repayment of the loan of Rs.4,75,000/- and interest

thereof. Learned counsel for the plaintiff states that the loan was advanced in small amount in cash from time to time. He further states that the plaintiff is a regular Income Tax Assessee and maintains accounts. In none of the income tax returns the loans advances are shown and even the extract of the accounts is not produced.

2. In the circumstances, the defendants are granted unconditional leave to defend the suit. Suit shall stand transferred to the list of commercial causes. The defendant to file the written statement within a period of four weeks.

D.G.KARNIK, J